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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002695

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TAGS: [PGOV](#) [PNAT](#) [KDEM](#) [IZ](#)
SUBJECT: PROVINCIAL ELECTIONS: THE ROAD AHEAD

REF: BAGHDAD 1512

Classified By: Charge d'Affaires Margaret Scobey for Reasons 1.4 (b) and (d).

11. (U) SUMMARY: While some in Baghdad's political class continue to discuss the possibility of Provincial Elections before the end of 2006, legal, technical and logistical reasons make an early spring (March 2007) date more likely. A law to establish the Independent High Electoral Commission (IHEC), needed to administer elections, has been introduced into the Council of Representatives (CoR), but important issues remain unresolved, and the law will not pass until sometime after the CoR returns from its August recess. In addition, the CoR must pass legislation setting dates and other parameters for provincial council elections. While discussion of such a law may have begun in the relevant CoR committee, no draft has been presented. Additional electoral events are anticipated in 2007. END SUMMARY.

BACKGROUND

12. (C) Provincial council elections (and possibly district and municipal council elections) are expected to occur in the near future in the 18 provinces (governorates) of Iraq. Provincial council elections were last held in January 2005. When the CoR was elected in December 2005, provincial council elections were deferred indefinitely. Some provinces (Babil and Basrah) have started drafting local election laws and plans, increasing pressure on the central government to set nation-wide provincial elections. No date has yet been set.

THE LEGAL FRAMEWORK FOR ELECTIONS

13. (C) To hold nation-wide provincial council elections, Iraq needs a functioning electoral commission to administer the election, and a law authorizing the election and funding its administration. The CoR must pass two laws:

-- First, a law establishing the Independent High Electoral Commission (IHEC), consistent with Article 102 of the Iraqi constitution, so that the election can be administered. A bill has already been introduced (reftel) but will not likely be acted on until sometime after the CoR returns from its August recess. The IHEC law, as drafted, covers the key points: it establishes the commission to administer and regulate all elections in Iraq, sets out an appointment mechanism and qualifications for board members, provides for a central administrative body and provincial/regional offices, and for certification of election results and a court appeals mechanism. (Comment: The current draft is weak in its respect for independence of the commission. It allows

the CoR to remove elections commissioners easily, and gives the CoR an undefined supervisory role. Embassy and international election NGOs continue to engage drafters and key representatives on this issue. End Comment.)

-- Second, a law authorizing and funding the provincial council election. At its simplest, the law will set a date, state which offices will be on the ballot (only provincial councils, or also district and municipal councils), and provide an election-specific budget to IHEC. All other details could be handled by the IHEC. This approach would be minimalist. The CoR could also choose to redefine the authorities and powers of the provincial councils for which the elections would be held, as contemplated by Article 122 of the Constitution, or to reaffirm or replace CPA Order 97, the order regulating political parties and entities. (Comment: If district and municipal elections are included in the law, voter registration and boundary issues will become serious hurdles, and opportunities for fraud will increase. End Comment.)

THE TIMING AND ADMINISTRATION OF PROVINCIAL ELECTIONS

¶4. (C) The timing of provincial council elections will be set politically, but practical logistical considerations will have a bearing on how soon they can be held. There has been some political expectation that elections will be held by the end of this year. This seems unlikely. Logistically, the International Election Assistance Team (IEAT) states, based on last year's elections, that approximately 135 days are needed, forecasting a first quarter of 2007 (March) date after taking into account the need for legislation. To

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accelerate preparations, but still have an election meeting international standards of freedom and fairness, will require concentrated efforts by the GOI and the international community (including the USG) to establish the IHEC and assist it to administer the election.

¶5. (C) Given that that the IHEC law is unlikely to pass before September at the earliest, a new Commission will not be in place before October. Staff from the current Independent Electoral Commission of Iraq (IECI) could continue some preparations in advance of the Board being named, and the provincial election law passing. The IECI is, for example, already working with public food distribution lists to create a provincial-level voter list.

¶6. (C) Affecting the IHEC's ability to stand up rapidly and prepare for free and fair provincial elections is disarray in the existing elections commission which could have spill over effects on staff and international support. The IECI is rife with political infighting and allegations of corruption. On July 16, Chief Electoral Officer Adil Allami and four other employees were taken into custody by Iraqi police at the request of the Commission for Public Integrity (CPI). In Emboff discussions with UNAMI and IEAT advisor to IECI, it was relayed that staff morale is very low and some experienced employees have left.

SECURITY AND TRANSPARENCY PLANNING

¶7. (C) Armed confrontations and significant voter intimidation are possible, including from fracturing of political coalitions at the provincial level as control of provincial councils is hotly contested. The IHEC, the Ministry of Interior and Ministry of Defense Security will need to plan for security of provincial council candidates, voters, and polling places. MNF-I is expected to play a key supporting role. Development of a detailed security plan will depend on the schedule for candidate registration and

campaigning, and for the vote itself.

¶18. (C) Transparency and avoidance of serious fraud are also critical challenges. In 2005, Iraqi civil society organizations served a useful and effective role in monitoring elections and referenda to provide transparency and prevent fraud. These organizations will once again have to be engaged. International observers and monitors were sparse, however, due to the security situation. This may again chill outside observation.

COMMENT

¶19. (C) Politics could push the CoR to set a date for provincial council elections before the end of this year, despite logistical and technical considerations pointing to a Spring 2007 (March) date. The collapse of the IECI, and need to constitute the IHEC, will make conducting elections on this ambitious schedule difficult. Continued support from the UN-led IEAT, the USAID-funded IFES project, and the international community will be key to keeping the IHEC on track to meet demands placed on it. Such assistance will need to assemble and increase in capability swiftly once an election date is set.

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ADDENDUM: OTHER ELECTORAL EVENTS ON THE HORIZON
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¶10. (C) At least 5 additional electoral events could occur over the next 18 months in Iraq (through December 2007). District and municipal council elections will need to be held, at the same time or after provincial council elections, in the 102 organized districts in Iraq, and over 700 municipalities. The constitutional review process may result in a referendum on amendments, approximately six months from when it starts. The referendum on Kirkuk, provided for in the TAL and Article 140 of the Constitution, has been proposed for 15 November 2007. Under Article 119 of the Constitution, a referendum could also be held on a request by several governorates to form a new region; such a referendum could likely not occur until after the CoR passes executive procedures to form regions.
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